

1-05/170.00 Procedures for Processing “Resistance, Delaying and Obstruction Arrests” (148(A)(1) PC, 69 PC and 243(b) PC)

Deputies shall use discretion and good judgment when deciding to arrest for any of the following penal code sections: 148(A) (1) PC, 69 PC and 243(b) PC. Generally, verbal resistance or disrespectful behavior alone is not sufficient to justify resistance or obstruction arrests.

Pursuant to the Arrest Review Procedures set forth in MPP, the watch commander (Court Services Area Lieutenant) must review and approve 148(a)(1) PC arrests. Additionally, misdemeanor 243(b) PC arrests shall also require the Area Lieutenant to review and approve. Just as felony 243(c) (2) PC and 69 PC already do.

This review shall be required whether the obstruction charge(s) are the sole/primary charge, or are the secondary charge(s).

The arresting deputy shall document in his arrest report the name of the Area Lieutenant’s name that approved the arrest.

The Area Lieutenant who reviewed/approved an arrest that includes a charge for 148(A) (1) PC, 69 PC, 243(b) PC and 243(c)(2) PC shall make every reasonable effort to also read and co-sign the arrest report and any supplemental reports after the Branch Sergeant has signed them.

When reviewing the arrest reports, special scrutiny shall be undertaken with respect to the deputy’s documentation of the duties that were interfered with and the suspect’s actions causing the resistance, obstruction, battery, delay or interference. The Area Lieutenant is accountable for ensuring that the elements and details of the arrest that were described verbally by the arresting deputy are included in the report.

Note: Refer to the “Resistance, Delaying, and Obstruction Arrest Guidelines” in CSDNet “Forms” to assist you in reviewing these reports for proper content.

If the report(s) are not completed by the end of the Area Lieutenant’s shift, the report(s) will be processed without his/her signature. He/she will nevertheless be required to read a copy of the report within five calendar days of the arrest. The Area Lieutenant shall also document all “Resistance, Delaying, and Obstruction Arrests” in the Operations Tracking Data Base System.

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In any case in which the approving Area Lieutenant feels the report is so deficient that prosecution is jeopardized, he/she shall confer with the Detective Bureau Lieutenant or prosecutor. The Area Lieutenant shall also advise the arresting deputy of his/her concerns and take appropriate action as to the deficiency.

The Area Lieutenant shall be responsible for forwarding to the Captain a signed copy of the 148(A)(1) PC, 69 PC, 243(b) PC and 243(c)(2) PC reports for which he/she approved the arrest. The captain shall maintain a file of 148(A) (1) PC, 69 PC and 243(b) PC reports and shall review each report for both quality control and civil liability.

Should a 148(A) (1) PC, 69 PC, 243(b) PC and 243(c) (2) PC case be rejected by the prosecution. The

reasons for the rejection and whether the case could or should have been handled differently should be addressed with the Branch Sergeant and the victim deputy.

The tracking system and quarterly reports will be reviewed quarterly by each Division Headquarters.
